

Effective 5/13/2014

Chapter 7

Utah Wilderness Act

63L-7-101 Title.

This chapter is known as the "Utah Wilderness Act."

Enacted by Chapter 323, 2014 General Session

63L-7-102 Purpose.

- (1) The purpose of this chapter is to:
 - (a) secure for the people of Utah, present and future generations, as well as for visitors to Utah, the benefits of an enduring resource of wilderness on designated state-owned lands;
 - (b) provide a window into the natural world, into which our pioneer forebears ventured and formed our collective story and character;
 - (c) recognize that the preservation of wilderness shall be part of a balanced pattern of multiple land uses;
 - (d) demonstrate the proper stewardship of certain primitive lands by providing the protection to allow natural forces to operate; and
 - (e) create a Utah wilderness preservation system.
- (2) No state-owned lands may be designated as a protected wilderness area except as provided in this chapter.
- (3) This chapter does not apply to lands owned or acquired by the School and Institutional Trust Lands Administration.

Enacted by Chapter 323, 2014 General Session

63L-7-103 Definitions.

As used in this chapter:

- (1) "Acquisition date" means the day on which the state received title to land.
- (2) "Conservation area" means an area that potentially has wilderness characteristics.
- (3) "DNR" means the Department of Natural Resources.
- (4) "PLPCO" means the Public Lands Policy Coordination Office.
- (5) "Protected wilderness area" means an area of wilderness that has been designated under this chapter as part of the Utah wilderness preservation system.
- (6) "Road" means a road classified as either a class B road, as described in Section 72-3-103, or a class D road, as described in Section 72-3-105.
- (7) "Roadless area" means an area without a road, as defined in Subsection (6).
- (8) "Wilderness" means a roadless area of undeveloped state-owned land, other than land owned by the School and Institutional Trust Lands Administration, that:
 - (a) is acquired by the state from the federal government through purchase, exchange, grant, or any other means of conveyance of title after May 13, 2014;
 - (b) retains its primeval character and influence, without permanent improvements or human habitation;
 - (c) generally appears to have been affected primarily by the forces of nature, with minimal human impact;

- (d) has at least 5,000 contiguous acres of land, or is of sufficient size as to make practicable its preservation and use in an unimpaired condition;
- (e) has outstanding opportunities for solitude, or a primitive and unconfined type of recreation; and
- (f) may contain ecological, geological, or other features of scientific, educational, scenic, or historical value.

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63L-7-104 Identification of a potential wilderness area.

- (1)
 - (a) Subject to Subsection (1)(b), the director of PLPCO, within one year of the acquisition date, shall identify within a parcel of acquired land any conservation areas.
 - (b) Before identifying a parcel of land as a conservation area, the director of PLPCO shall:
 - (i) inform the School and Institutional Trust Lands Administration that a parcel is being considered for designation as a conservation area; and
 - (ii) provide the School and Institutional Trust Lands Administration with the opportunity to trade out land owned by the School and Institutional Trust Lands Administration for the parcel in question subject to reaching an exchange agreement with the agency that manages the parcel.
- (2) The director of PLPCO shall:
 - (a) file a map and legal description of each identified conservation area with the governor, the Senate, and the House of Representatives;
 - (b) maintain, and make available to the public, records pertaining to identified conservation areas, including:
 - (i) maps;
 - (ii) legal descriptions;
 - (iii) copies of proposed regulations governing the conservation area; and
 - (iv) copies of public notices of, and reports submitted to the Legislature, regarding pending additions, eliminations, or modifications to a conservation area; and
 - (c) within five years of the date of acquisition:
 - (i) review each identified conservation area for its suitability to be classified as a protected wilderness area; and
 - (ii) report the findings under Subsection (2)(c)(i) to the governor.
- (3) The records described in Subsection (2)(b) shall be available for inspection at:
 - (a) the PLPCO office;
 - (b) the main office of DNR;
 - (c) a regional office of the Division of Forestry, Fire, and State Lands for any record that deals with an identified conservation area in that region; and
 - (d) the Division of Parks and Recreation.
- (4) A conservation area may be designated as a protected wilderness area as described in Section 63L-7-105.
- (5) A conservation area identified under Subsection (1) shall be managed by DNR, in coordination with the county government having jurisdiction over the area, without the conservation area being designated as a protected wilderness area unless otherwise provided by the Legislature.

Enacted by Chapter 323, 2014 General Session

63L-7-105 Report to the governor -- Governor's report to the Legislature -- Designation of a protected wilderness area -- Modification of a protected wilderness area -- Rulemaking authority.

- (1) Within five years of the acquisition date of a parcel of land, the director of PLPCO shall:
 - (a) review all areas identified as conservation areas under Section 63L-7-104; and
 - (b) subject to Subsection (3), submit a report and recommendation to the governor on the suitability of a conservation area for designation as a protected wilderness area.
- (2) Before making a recommendation, the director of PLPCO shall:
 - (a) give notice of the proposed recommendation in a newspaper having general circulation in the vicinity of the affected land;
 - (b) hold a public hearing at a location convenient to citizens who live in the affected area; and
 - (c) at least 30 days before the date of the hearing described in Subsection (2)(b), invite local authorities to submit their opinions on the proposed action:
 - (i) at the hearing; or
 - (ii) to the director of PLPCO, in writing, no later than 30 days after the day on which the hearing is held.
- (3) Any opinions submitted to the director of PLPCO shall be included with any recommendations to the governor under Subsection (2) and the Legislature under Subsection (5).
- (4) The governor shall, after receiving the reports described in Subsection (1)(b):
 - (a) formulate a recommendation on which conservation areas to designate as protected wilderness areas; and
 - (b) advise the speaker of the House of Representatives and the president of the Senate of the governor's recommendation.
- (5) An area shall be designated as a protected wilderness area upon a concurrent resolution of the Legislature, the governor concurring therein, including:
 - (a) the legal description of the proposed protected wilderness area; and
 - (b) any special conditions that shall be placed upon the protected wilderness area.
- (6) Any modification or adjustment to the boundaries of a protected wilderness area shall be:
 - (a) recommended by the director of PLPCO after public notice of, and hearing on, the proposal, as described in Subsections (1) and (2); and
 - (b) made official as described in Subsections (4) and (5).
- (7) DNR shall make rules governing the protection of a protected wilderness area.

Enacted by Chapter 323, 2014 General Session

63L-7-106 Use of protected wilderness areas.

- (1) Except as otherwise provided in this chapter, each agency administering any area designated as a protected wilderness area shall be responsible for preserving the wilderness character of the area and shall administer such area for the purposes for which it may have been established to preserve its wilderness character.
- (2) Except as specifically provided in this chapter, and subject to valid existing rights, there shall be:
 - (a) no commercial enterprise and no permanent road within any protected wilderness area designated by this chapter; and
 - (b) no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure or installation with any such area except as necessary to meet minimum requirements for the administration of the

- area for the purpose of this chapter, including measures required in emergencies involving the health and safety of persons within the area.
- (3) Except as otherwise provided in this chapter, a protected wilderness area shall be devoted to the public purposes of:
- (a) recreation, including hunting, trapping, and fishing;
 - (b) conservation; and
 - (c) scenic, scientific, educational, and historical use.
- (4) Commercial services may be performed within a protected wilderness area to the extent necessary to support the activities described in Subsection (3).
- (5) Within an area designated as a protected wilderness area by this chapter:
- (a) subject to the rules established by DNR, the use of a motor vehicle, aircraft, or motorboat is authorized where:
 - (i) the use of a motor vehicle, aircraft, or motorboat is already established;
 - (ii) the motor vehicle, aircraft, or motorboat is used by the Division of Wildlife Resources in furtherance of its wildlife management responsibilities, as described in Title 23, Wildlife Resources Code of Utah; or
 - (iii) the use of a motor vehicle, aircraft, or motorboat is necessary for emergency services or law enforcement purposes; and
 - (b) measures may be taken, under the direction of the director of the Division of Forestry, Fire, and State Lands, as necessary to manage fire, insects, habitat, and diseases.
- (6) Nothing in this chapter shall prevent, within a designated protected wilderness area, any activity, including prospecting, if the activity is conducted in a manner compatible with the preservation of the wilderness environment, subject to such conditions as the executive director of DNR considers desirable.
- (7) The executive director of DNR shall develop and conduct surveys of wilderness areas:
- (a) on a planned, recurring basis;
 - (b) in a manner consistent with wildlife management and preservation principles;
 - (c) in order to determine the mineral values, if any, that may be present in wilderness areas; and
 - (d) make a completed survey available to the public, the governor, and the Legislature.
- (8) Notwithstanding any other provision of this chapter, until midnight December 31, 2034:
- (a) state laws pertaining to mining and mineral leasing shall, to the extent applicable before May 13, 2014, extend to wilderness areas designated under this chapter, subject to reasonable regulation governing ingress and egress as may be prescribed by the executive director of DNR, consistent with the use of the land for:
 - (i) mineral location and development;
 - (ii) exploration, drilling, and production; and
 - (iii) use of land for transmission lines, waterlines, telephone lines, or facilities necessary in exploring, drilling, producing, mining, and processing operations, including the use of mechanized ground or air equipment when necessary, if restoration of the disturbed land is practicable and performed as soon as the land has served its purpose; and
 - (b) mining locations lying within the boundaries of a protected wilderness area that existed as of the date of acquisition shall be held and used solely for mining or processing operations, and uses that are reasonably related to an underlying mining or processing operation.
- (9) Any newly issued mineral lease, permit, or license for land within a wilderness area shall contain stipulations, as may be determined by the executive director of DNR in consultation with the director of the Division of Oil, Gas, and Mining, for the protection of the wilderness character of the land, consistent with the use of the land for the purpose for which it is leased, permitted, or licensed.

- (10) Subject to valid rights then existing, effective January 1, 2015, the minerals in all lands designated by this chapter as wilderness areas are withdrawn from disposition under all laws pertaining to mineral leasing.
- (11) Mineral leases shall not be permitted within protected wilderness areas.
- (12) The governor may, within protected wilderness areas, authorize:
 - (a) prospecting for water resources;
 - (b) the establishment and maintenance of reservoirs, water-conservation works, power projects, transmission lines, and other facilities needed in developing water resources, including road construction and essential maintenance; and
 - (c) subject to Subsection (13), the grazing of livestock, if the practice of grazing livestock was established as of the effective date of this chapter.
- (13) The commissioner of the Department of Agriculture and Food may make regulations as necessary to govern the grazing of livestock on a protected wilderness area.

Enacted by Chapter 323, 2014 General Session

63L-7-107 Private lands within wilderness areas.

- (1) In any case where privately owned land is completely surrounded by lands within areas designated by this chapter as protected wilderness:
 - (a) the private landowner shall be given rights as may be necessary to ensure adequate access to the privately owned land by the private owner and any successors in interest; or
 - (b) the privately owned land shall be exchanged for state-owned land of approximately equal value.
- (2) If the School Institutional Trust Lands Administration owns land that is completely surrounded by lands within areas designated by this chapter as protected wilderness:
 - (a) the School Institutional Trust Lands Administration shall be given rights as may be necessary to ensure adequate access to the land owned by the School Institutional Trust Lands Administration and any successors in interest; or
 - (b) the land owned by the School Institutional Trust Lands Administration may be exchanged for state-owned land of approximately equal value.
- (3) If a valid mining claim or other valid occupancy is located wholly within a protected wilderness area, the executive director of DNR shall, by reasonable regulations consistent with the preservation of the area as wilderness, permit ingress and egress to such surrounded areas by means which have been, or are being, customarily enjoyed with respect to other similarly situated areas.
- (4) Subject to available funds, PLPCO is authorized to acquire land, or interest in land, through purchase from a private landowner.

Enacted by Chapter 323, 2014 General Session

63L-7-108 Gifts, bequests, and contributions.

- (1) The executive director of DNR may accept gifts or bequests of land:
 - (a) within protected wilderness areas designated pursuant to this chapter for preservation as wilderness; and
 - (b) adjacent to designated protected wilderness areas, if the executive director of DNR gives 60 days advance notice to the governor.
- (2) Land accepted by the executive director of DNR under this section:
 - (a) shall become part of the protected wilderness area involved; and

(b) is subject to:

- (i) the same regulations made under this chapter; and
- (ii) any conditions that were made at the time the gift or bequest was made that are consistent with the regulations made under this chapter.

Enacted by Chapter 323, 2014 General Session

63L-7-109 Annual reports.

- (1) The director of PLPCO shall report to the governor, for transmission to the Legislature, on:
 - (a) the status of the Utah wilderness preservation system;
 - (b) regulations in effect; and
 - (c) other pertinent information.
- (2) The director of PLPCO shall report any recommendations for future action to the Natural Resources, Agriculture, and Environment Interim Committee by November 30 of each year.

Enacted by Chapter 323, 2014 General Session